

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JONATHAN Q. BROWN,  
11 Plaintiff,  
12 v.  
13 S. BERUMEN, et al.,  
14 Defendants.

No. 2:21-cv-02187 ACP

## ORDER AND FINDINGS AND RECOMMENDATIONS

16 On August 10, 2023, plaintiff was ordered to show cause in writing, within twenty-one  
17 days, why this matter should not be dismissed for failure to prosecute. ECF No. 26. In the  
18 alternative, plaintiff was given the option to file a response to defendants' motion for summary  
19 judgment. Id. at 2.

20 More than twenty-one days have passed, and plaintiff has not responded to the court's  
21 order in any way. Therefore, it will be recommended that this matter be dismissed.

22 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a  
23 District Judge to this action.

24 IT IS FURTHER RECOMMENDED that this action be DISMISSED without prejudice  
25 for failure to obey a court order and for failure to prosecute. See Local Rule 110; Fed. R. Civ. P.  
26 41(b).

27 | ////

28 ||||

1 These findings and recommendations are submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
3 after being served with these findings and recommendations, any party may file written  
4 objections with the court and serve a copy on all parties. Such a document should be captioned  
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
6 objections shall be served and filed within fourteen days after service of the objections. The  
7 parties are advised that failure to file objections within the specified time may waive the right to  
8

9 || DATED: September 12, 2023

Allison Claire  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE